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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,820	10/07/2004	Robert P. Rouen	68.0496	5819

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EXAMINER

ANDREWS, DAVID L

ART UNIT PAPER NUMBER

3672

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,820

Applicant(s)

ROUEN, ROBERT P.

Examiner

David Andrews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/7/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/07/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 20 and 64 in figures 1-6. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because it contains non-relevant subject matter, lines 10-15. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: page 6, line 8 reads "well 10 includes a casing 10.." and should read "well 10 includes a casing 20..", page 8, line 15 reads "..to the surface 10" and should read "..to the surface 12."

Appropriate correction is required.

Claim Objections

Claims 7 and 14 are objected to because they can inconsistent language. As they currently read, both claims contain the language describe the gas injection tool having one or more valves for "...injecting a gas into the well below at a location above the sealing mechanism." Either these claims are not shown in the drawings or the language should be amended." As currently shown, the gas is injected into the well below -from- a location above the sealing mechanism and the claim will be examined as such. Appropriate correction is required.

Claim 8 is objected to because it contains inconsistent language. Claim 8 currently reads "...wherein the tubular string comprises one or more gas lift valves for

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injecting a gas into the well at a location above the sealing mechanism.” However, this is inconsistent with the specification and the drawings, which describe the gas lift valves on the tubular member for -receiving- an injected gas rather than injecting gas into the well. Further evidence for this is in claim 8’s dependence on claim 7, which describe the tubular string as the production string which would require the flow in the string to be up and out of the well rather than that which would be required for injecting gas into the well. Therefore, claim 8 will be examined as if the valves described as for receiving gas rather than injecting. Appropriate correction is required.

Claim 13 is objected to because of the following informality: line 11 reads “..the hydrostatic pressure” and should read “..the hydrostatic pressure.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 9-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Munari et al. (US 4,424,862).

Munari et al. disclose an injection apparatus comprising: a tubular member defining an axial bore therethrough (5 in figure 1), the axial bore adapted to deliver a gas (8 in figure 1) into a wellbore proximate a perforation interval (2 in figure 1) via an orifice, a gas lift valve attached to the tubular member, adapted to regulate

communication between the axial bore of the tubular member and the wellbore via the orifice (6 in figure 1; valve 11 in figure 2).

In regard to claims 2 and 3, the gas injection apparatus is adapted to engage a sealing mechanism which is a dual-port packer (7 in figure 1).

In regard to claims 4 and 5, the gas injection apparatus is adapted to inject gas proximate a gas-bearing or oil-bearing well (column 1, lines 17-20; the description of hydrocarbon-producing encompasses oil, gas and oil-gas wells).

In regard to claim 6, the gas injection apparatus also inherently comprises a retrieving element attached to the tubular member (column 2, lines 19-21).

In regard to claims 7-11 and 14, including the like rejections above, the apparatus also includes a tubular string adapted to produce the well (3 in figure 1) from the perforation interval via one port in the sealing mechanism.

In regard to the method claims 12 and 13, the operation of the device as described inherently contains all the steps of the methods.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Munari et al. in view of Wellington et al. (US 5,031,697). Munari et al. describe all the limitations

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of the gas injection device of claim 8, but do not include one or more gas lift valves on the tubular string. Wellington, however, discloses a gas lift system, with gas lift valves (8 in figure 1) positioned above a packer that isolates the fractured formation. The use of additional gas lift valves above the packer would provide additional injection points for the gas into the production line and further aid in the flow to the surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the devices of Munari et al. and Wellington.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dunn (US 1,067,868), Kenneday et al. (US 3,003,563), Sanderford (US 4,267,885), Chaudot (US 4,649, 994) and Floyd et al. (US 5,875,852) all disclose gas lift production systems with similar features as present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Andrews whose telephone number is (571) 272-6558. The examiner can normally be reached on Monday thru Friday, 8am-4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

~~David Bagnell~~
~~Supervisory Patent Examiner~~
Art Unit 3672

DLA


Jennifer H. Gay
Primary Examiner